



3/8/10

(5)

TOWN OF ACTON

472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Steven L. Ledoux
Town Manager

February 18, 2010

Lowell Sun: Legal Ad Division

Below please find a copy of a legal advertisement to appear in the Lowell Sun on February 19, 2010 and February 26, 2010.

Please send the bill to: **Town of Acton**
Planning Board
472 Main Street
Acton, MA 01720
978-264-9636

Please send proof copy and tear sheet to:

Town Manager's Office
472 Main Street
Acton, MA 01720

Christine Joyce
Town Manager's Office

Selectman Assigned: Chairman Knibbe

LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING

The Acton Board of Selectmen will hold a public hearing on March 8, 2010 at 7:40 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton, on the application of 531 Mass Ave, LLC for a new site plan special permit under section 10 of the zoning bylaw; for an amendment of a previously granted site plan special permit; and for use special permits under section 3 of the Zoning Bylaw, for a conference center, commercial entertainment, restaurant, commercial recreation, and commercial education or instruction; all located at 525-545 Massachusetts Avenue and 3-7 Spruce Street, Acton, MA 01720. The application and accompanying plans can be inspected at Town Hall during normal business hours.



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Steven L. Ledoux
Town Manager

January 27, 2010

Acton Beacon Legal Ad Division (Barbara)

Below please find a copy of a legal advertisement to appear in the Acton Beacon on February 25 and March 4, 2010

Please send the bill to: **531 Mass. Ave. LLC**
543 Massachusetts Ave.
Acton, MA 01720
978-264-0160

Please send proof copy and tear sheet to:

Town Manager's Office
472 Main Street
Acton, MA 01720

Christine Joyce
Town Manager's Office

Selectman Assigned: Chairman Knibbe

LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING

The Acton Board of Selectmen will hold a public hearing on March 8, 2010 at 7:40 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton, on the application of 531 Mass Ave, LLC for a new site plan special permit under section 10 of the zoning bylaw; for an amendment of a previously granted site plan special permit; and for use special permits under section 3 of the Zoning Bylaw, for a conference center, commercial entertainment, restaurant, commercial recreation, and commercial education or instruction; all located at 525-545 Massachusetts Avenue and 3-7 Spruce Street, Acton, MA 01720. The application and accompanying plans can be inspected at Town Hall during normal business hours.

REVISED REVISED Use this one



Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
planning@acton-ma.gov

MEMORANDUM

To: Steve Ledoux, Town Manager **Date:** March 1, 2010
From: Roland Bartl, AICP, Planning Director *R. Bartl*
Subject: West Acton Village Ecology – Application for
• Use Special Permits #01/19/10-426
• Site Plan Special Permit #01/19/10-427
• Amendment – Site Plan Special Permit #02/01/89-307

Attached are the application and plan for the West Acton Village Ecology project proposed by the Office of Michael Rosenfeld.

General Information:

Public Hearing: March 8, 2010; 7:40 PM
Location: West Acton Village –
525-545 Mass. Ave. & 3-7 Spruce Street
Town Atlas Map/Parcel: F-2A/94, 97, 103, 104, 105, 112, 113, 114
Applicant / Owners: 531 Mass Ave LLC (Michael Rosenfeld)
Engineer/Surveyor: Stamski and McNary, Inc.
Traffic Engineer: AECOM
Zoning: West Acton Village (WAV), Groundwater Protection Dist.- Zone 3,
also West Acton Local Historic District
Project Type: Rehabilitation, Renewal, Expansion
Site Area: +/-4 acres
Proposed Finished
Gross Floor Area: +/-49,000 square feet
Net Floor Area: +/-33,000 square feet
FAR: 0.40
Decision Due: By statute, no later than June 6, 2010
Practically, to maintain eligible quorum, no later than **April 5, 2010**

Dates of documents reviewed:

- Application book dated 01/15/10 – *in package*
- Site plan, 8 sheets, last revised 2/17/10 – *in package*
- Landscape plan, 2 sheets, last revised 10/28/09 – *in package*
- Architectural plans and renderings, 25 sheets, dated 2/26/10 – *in package*
- Supplemental engineering data book, dated 08/26/09; with Addendum, dated 2/26/10 – *not in package; posted in docushare.*
- Traffic Impact Study, dated August 2009, revised October 2009 – *in package without appendix; appendix with all data sheets is posted in docushare.*
- Phasing Plan, 2 sheets, last revised 2/2/10 with Rosenfeld memo dated 2/8/10 – *in package.*

Review Process:

The application was submitted on 1/19/2010. With few exceptions, departments and committees reviewed and commented on that application and the plans and documents therein, by mid-February. A project review meeting was held with the applicant, department heads, and some committee representatives on 2/18/10. On 2/26/10, the applicant submitted revised and supplemental plans and documents as needed following the conclusion of the review meeting. The above list of submission documents is updated to reflect the most recent submission date. Any plans and documents that were replaced by later submissions are not included in this package.

The enclosed departmental review comments fall into three categories:

- Comments dated after 2/26/10 from departments and committees that have reviewed the revised plans. Their comments replace the original comments that were based on the 1/19/10 submission documents. Their original comments are not included in this package.
- Comments dated prior to 2/26/10 that are still relevant or have not been updated following to the 2/26/10 submission.

Project Overview:

The applicant proposes:

- the preservation and rehabilitation of three existing houses and one barn, including their relocation on site;
- the integration of the preserved buildings with a new larger building in the rear that also connects them partially along the Mass. Ave. frontage;
- a multi-functional commercial building complex to accommodate retail, offices, studios, a performance space, conference center, recreation space, and restaurant(s);
- vehicle parking - partially surface parking and partially underneath the new building;
- minor modifications on adjacent sites to west to integrate the new development; and
- extensive street improvements along Massachusetts Avenue including additional crosswalk, sidewalks, and on-street parking.

The rehabilitation and new construction work would occur on a new proposed Lot A, which would consolidate the current five parcels with street addresses 523 (vacant), 525, 531, 537, and 541 Mass. Ave. (Atlas parcels F-2A/103, 104, 105, 113, 114) whereby the building and site at 541 Mass. Ave. (parcel 114) would only see minor adjustments.

Formally, the application breaks out into three parts:

1. A new site plan special permit application for the development on proposed Lot A.
2. Five special use permits for Lot A: conference center, commercial entertainment, restaurant, commercial recreation, and commercial education and instruction.
3. An amendment of a site plan special permit #307 issued in 1989 for adjacent property to the west towards Spruce Street including 541 Mass. Ave., 543 Mass. Ave. (the former church at the corner of Spruce Street), and the former apple storage warehouse fronted by a small commercial building at 3-7 Spruce Street. This is to integrate this area with the new development on Lot A.

Zoning Review:

Review of the plans revealed no compliance problems. As for parking, the applicant has provided detailed tabulations and scenario options for different times of day and week, which demonstrate that the proposed on-site parking meets the minimum zoning requirement. A simpler approach that I used for comparison is to view the proposed facility as a shopping center, which as defined in the zoning bylaw for parking calculation purposes can have multiple retail and other uses in it. The proposed facility meets the requirements for a shopping center in the WAV district even without the assumption of formal collective parking use agreements. For notes about additional off-site parking during peak theater events see 'Traffic Study' below.

- There is an existing shared parking lot serving the building at #541 Mass Ave., the church lot, and apple barn lot. #541 would fold into proposed lot A. The applicant states that there is an existing agreement of record for the shared use of these parking spaces. If the project is approved, the special permit should require
 - the submission of this agreement for the record, and
 - that further changes to the terms of the agreement shall require approval from the Planning Department/Zoning Enforcement Officer to ensure continued zoning compliance for each lot.

Mass. Ave. Improvements

The applicant proposes extensive street improvements along the entire frontage of the proposed development project. The street improvements are an important element of the overall project plan that I have strongly encouraged over the years that the applicant has developed the project plans.

As part of the street improvement plan the applicant would add eleven on-street parking spaces in front of the site and eight additional on-street parking spaces across the street at Gardner Field; the width of the travel lanes would narrow and a new crosswalk would connect the site with Gardner Field; sidewalks would be extended and widened in places; landscape/trees would round out the improvements. A small portion of the parking spaces and the relocated sidewalk would be on the Gardner Field parcel. Posted speed limits on Mass. Ave. would be reduced upon project completion, subject to MassDOT approval.

This part of Mass. Ave. is a State Highway. The State will not approve such changes on its roadways. However, in preliminary discussions with MassDOT District 3 the State has indicated a willingness to convey this section of Mass. Ave. to the Town (adding to the Town-owned section that already exists through the rest of West Acton Village to Central Street). This would move the State Highway limit from 537 Mass. Ave. to a point east of the proposed easterly site driveway.

Assuming the Board of Selectmen approves this plan and the applicant is ready to build it, I recommend that the Board immediately pursue the conveyance of this section of Mass. Ave. from the State to the Town so that the street improvements can occur reasonably concurrently with the site improvements. The first step is a formal request from the Board of Selectmen to MassDOT District 3 for a "State Highway Layout Discontinuance". Presumably the final step in the transfer process would be a street acceptance vote at Town Meeting.

Traffic Study – Further Off-Site Improvements and Accommodations:

The application contains a traffic study which finds that the area's street and roadway conditions can handle the additional traffic from the proposed development, especially when the proposed improvements on Mass. Ave. are realized. The study also recommends the following:

1. Signal timing adjustments at the intersection of Mass. Ave. with Central Street: The study proposes reallocating green time from Mass. Ave. to Central Street and to lengthen the yellow phase for Central Street by one second.
2. Off-site parking management plan for full-capacity theater events, i.e. for occasions when usage exceeds the on-site parking capacity that is provided in compliance with zoning and the additional on-street parking provided as part of the project proposal: In the case of an at-capacity event the traffic study predicts an on-site parking deficit of +/-70 spaces. The study surveyed the West Acton Village area and found that during likely theater event times – evenings and weekends – there is plenty surplus parking capacity within walking distance to the site. The study recommends that off-site parking arrangement be secured and published to theater customers and the public, and that parking attendants and police details be utilized as needed during anticipated full-house events. In the application, the Applicant reports that he is in the process of negotiating off-site parking arrangements with other West Acton Village area property owners.

Special Use Permits

All five requested special use permits seem appropriate for the site (conference center, commercial entertainment, restaurant, commercial recreation, and commercial education and instruction). Other proposed uses (e.g. retail or office) do not require special permits.

The commercial entertainment use with a proposed a maximum seating capacity of 175 persons, and the proposed 95 seat restaurant are reasonably well defined in the application and by the proposed building plans. The conference center, commercial recreation, and commercial education and instruction uses are less defined but fall into place somewhat logically as alternative, alternating, or parallel uses of the proposed theater space.

Site Plan #307 Modifications

Site Plan #02/01/89-307 applies to the parcels west of the proposed Lot A, on which the great majority of the proposed development is to take place. #307 applies to the church lot and 541 Mass. Ave., and to the lots at 3-7 Spruce Street. The applicant proposes to relocate the barn from 537 Mass. Ave. to a new location behind the former apple barn at 3 Spruce Street for use as a garage. In addition there would be entrance modifications to the building at 541 Mass. Ave., and utility line modifications and additions. None of these changes raise any zoning compliance issues.

Other Prior Zoning Permits and Variances

As the permit rules require the application lists all prior local permits and variances issued for the site. All zoning permits and variances relate in whole or in part to the same parcels as site plan #307. The only one of them that still is relevant is #337, a restaurant special permit issued to a Phillips Coffee Emporium at 5 Spruce Street, now Sweet Bites. The others are now obsolete either because zoning has changed to allow by right what formerly required a special permit or variance, or because the permitted use has never commenced or has in the meantime ceased to exist.

l:\planning\site plan\426, 427, 307 amend.review2.doc

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9628
Fax (978) 264-9630

Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Department

Date: March 5, 2010

From: Engineering Department

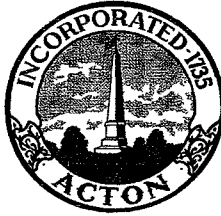
**Subject: Site Plan Special Permit 02/01/1989 – 307 – West Acton Village Ecology
525–541 Massachusetts Avenue & 3-7 Spruce Street**

We have the following comments regarding the above mentioned site plan revised on February 17, 2010.

1. We recommend a condition to relocate the underground infiltration chamber in Mass Ave so that the system is located in the road shoulder by Gardner Field instead of under the travel lane(s). This would allow easier access for future maintenance since work would not necessarily be taking place in the traffic. Also, the final location for the underground system will need to be determined when the actual locations of the existing underground utilities are located in the field.
2. We recommend a condition requiring the applicant to be responsible for future maintenance and upkeep of the sidewalk in Mass Ave in front of their facility.
3. We recommend a condition to clearly state the applicant will be responsibility for the upkeep of the ornamental trees within the road layout that are shown within the paved pedestrian area by the proposed crosswalk.
4. We recommend a condition to state the applicant is responsible to have their surveyor produce the necessary plan(s) and set and certify new stone road bounds to demarcate the road layouts when/if this section of Mass Ave is conveyed from the State to Town ownership.
5. We have spoken to the Police Department about speeding on Mass Ave. The safety officer commented that speeding at this location has been an on-going problem. With all the proposed changes being made to the site as well as the road, we recommend a condition to require the applicant to have their traffic engineer re-evaluate the vehicular and pedestrian traffic when the facility is constructed and occupied to determine if the following improvements are warranted:
 - Install a pedestrian signal at the crosswalk to improve safety for pedestrians.
 - Re-evaluate the speed zone for this section of Mass Ave to determine if the posted speed limits should be changed due to the proposed increases in pedestrian and

vehicular traffic, the revised road design, etc...

6. We would defer comment to the Fire Chief to ensure their emergency vehicles can safely maneuver within the site.
7. Any work within the state road layout will require a permit from MassDOT Highway Division. A Permit to Construct within a Public Way is required for any work shown within a Town way.
8. The applicant will need to propose and obtain final approval for the street addresses from the Engineering, Police and Fire Departments. The applicant might want to assign one address to each building and each individual unit within the buildings be identified by an assigned unit number. The final street numbering for the project need to be resolved prior to obtaining a building permit.
9. At the conclusion of construction, the applicant should be required to submit an as-built plan stamped a land surveyor showing the buildings, pavement, drainage, walkways, utilities and pavement markings. The as-built plan should be accompanied by a letter from a Professional Engineer certifying that they witnessed the construction of the project and it conforms to the approved plans.



**The Design Review Board
Memorandum**

Project: West Acton Village Ecology – Revisions (letter + plans dated 2/26/10)
Mass Ave, West Acton

Architectural Proposal (Revised) by: Office of Michael Rosenfeld
Applicant: Rosenfeld

Date of Review: 03/03/10

Per the 2/26/2010 request of the Planning Dept, the DRB reviewed the REVISIONS for WAVE and makes the following comment:

- Although we support new development in West Acton, we are concerned this 50,000 gsf proposal has inappropriate massing and is *not* in keeping with West Acton's scale or historic and residential character. The generative idea of this project's massive form initially was an endowed professional-styled memorial theatre – the new plans show, however, such a theatre no longer planned. Therefore, we believe it is reasonable to reconsider this project concept anew. Not to do so, we believe, calls into question Acton's Master Plan, which prioritizes preserving rural and historic character, and Acton's Zoning Bylaw, which requires new buildings in the village retain and enhance the look, feel and scale of older neighboring structures.
- We strongly support and commend the proponents' intentions to preserve the old homes and barn along Mass Ave. We would recommend these remarkable properties be preserved in their entirety at their current location without linking elements between them. As the Zoning Bylaw indicates, the spacing of buildings is key in the village. (We note long facades, such as the 160-foot one proposed are not part of the West Acton vernacular.) New construction, unlinked, we believe would be feasible behind the existing Mass Ave streetscape.

Thank you for the opportunity to comment. We meet the 1st and 3rd Wednesdays of the month and would be happy to meet with the proponent.

Sincerely,

The Design Review Board

Roland Bartl

From: michaelamoran1 [michaelamoran1@earthlink.net]
Sent: Wednesday, March 03, 2010 3:08 PM
To: Board of Selectmen; Steve Ledoux; Roland Bartl; Frank Ramsbottom; Scott Mutch
Cc: Historic District Commission; 'Mathias Rosenfeld'; isherwood@omr-architects.com
Subject: West Acton Village Ecology Site Plan Special Permit applications- COMMENTS
Attachments: coa 0906a-c.pdf; WAVE comments IDC.pdf

Town Boards-

Attached are the comments from the Historic District Commission.

The Historic District Commission seems to have been left off the list of town boards from which approval is necessary. Please correct this oversight.

Michaela Moran,
Chairperson
Acton Historic District Commission

3/3/2010

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Selectmen, Planning Department, Building Department, Town Manager

FROM: Historic District Commission

DATE: March 3, 2010

SUBJECT: West Acton Village Ecology Site Plan Special Permit Applications

March 2, 2010

Dear Members of the Board:

In response to a request dated February 12, 2010 from the Planning Department, you will find comments regarding the revised set of drawings of the West Acton Village Ecology (WAVE) project below having been duly written discussed and voted by the Historic District Commission at a special meeting on March 2, 2010.

On June 26th, 2009 the Historic District Commission issued several certificates of appropriateness for various aspects of the project, specifically Certificates #0906/A, B, B-II, and C (attached), based on the applicant's original concept drawings. The concept plan involved moving the existing buildings to slightly different locations to take advantage of the natural grade behind them and to mask the large theater to be built behind them which intended to incorporate the historic fabric of the relocated buildings.

Please note that approval of the concept plan only was granted. The actual design plans, including details to be provided to the Historic District Commission(HDC) in a subsequent application or applications, as promised by the applicants, and as called out in the approval of the "concept plan" (0906/A), have not yet been submitted.

The specifics listed below were NOT approved, nor have yet been provided to HDC since approval of the concept plan in June of 2009:

- ◆ All materials and details of architecture visible from the public way known as Massachusetts Avenue
- ◆ Doors
- ◆ Windows
- ◆ Gables
- ◆ Porches
- ◆ Building additions known as the "links" between the relocated buildings
- ◆ Railings
- ◆ Posts
- ◆ Stone walls
- ◆ Planters
- ◆ Signage

- ◆ Lighting fixtures
- ◆ Surface finishes.

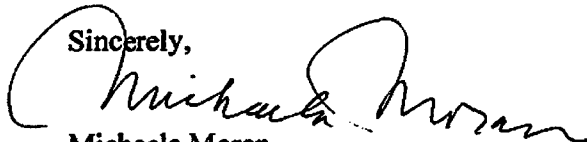
The commission was directed to re-review the project by Roland Bartl at our February 12th meeting. In addition to the items listed above which still must be approved by the HDC, the following features have yet to be reviewed or approved:

- ◆ Roof top mechanicals or any other mechanicals visible from the public way
Photovoltaic panels are not shown as visible above roof line.
- ◆ Any portions of the buildings including the clerestory which will be visible from the public way
- ◆ Any other design changes from the concept plan put forward in June, 2009 such as the exterior manifestations of interior changes, railing and ramping changes, or any other changes to the exterior of the plan
- ◆ The extent to which the original structures will be retained.

At its previous review in June 2009, the HDC granted a Certificate of Applicability with conditions for the new building's large and "squarish" massing because that was the only way for the applicant to accommodate, on this site, the footprint required for the proposed theater, stage, patron and performers' circulation and ancillary stage facilities, all of which made the theater functional. The HDC has approved other large projects in the past based on function such as the Acton Congregational Church and the Acton Memorial Library. In the submittal recently received from OMR, the HDC noted that the project's basic program has changed and that the theater has been deleted and replaced with a modest multipurpose space. The HDC believes strongly that the massing of the new building should be revisited by the applicant to more appropriately create forms which relate to the village context. While the HDC accepts the right of the applicant to a FAR and height limit as provided in the zoning bylaw, without the fully functional professional theater a single large building of this size has no place in the historic village. Without the theater component, the applicant has greater design flexibility and more opportunity to develop massing and exterior architectural features that will further enhance the historic scale and architectural characteristics of the West Acton Village historic district.

The Historic District Commission has no further comment on the Application for Use Special Permits or the Minor Site Plan Special Permit Amendment, however, the Commission takes the position that the Site Plan Special Permit 525, 531, 537, 541 Massachusetts Ave. can only be approved once the HDC is presented with a revised design of the former theater block that responds to the requirements of the Zoning Bylaw 10.4.3.9 in addition to the other details called out previously in this letter.

Sincerely,



Michaela Moran
Chairperson
Historic District Commission



TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street Acton, MA 01720

June 26, 2009

The Office of Michael Rosenfeld, Inc., *Architects*
543 Massachusetts Avenue
Acton, Massachusetts 01720

Dear Michael and Mathias,

Enclosed is:

- Certificate of Appropriateness (0906/A) for 525 - 541 Mass. Ave.
- Conditions of Certificate of Appropriateness (0906/A-Conditions) for 525 - 541 Mass. Ave.
- Certificate of Non-Applicability (0906/B) for 537-531 Mass. Ave. - construct surface parking.
- Certificate of Appropriateness (0906/B-Part II) - 531-537 Mass. Ave. - removal of garage.
- Certificate of Appropriateness (0906/C) - 5 Spruce St. - move, relocate, connect Red Barn.

As always, it is a pleasure working with you. Please let us know if you have any questions.

Also, we have noticed the blue roofing material on the houses along Mass. Ave., would you please assure us that those buildings are weather tight. Thanks so much.

My best,

Ellie Halsey
for the Historic District Commission

cc: Building Commissioner, HD file, Planning Board, Town Clerk, Town Manager/BoS
Cert. #0906/A, 0906/A-Conditions, #0906/B, #0906/B-Part II, #0906/C

**TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720**

CERTIFICATE

Pursuant to Chapter 40C of the General laws of Massachusetts and the Historic Districts Bylaws of the Town of Acton, the Acton Historic District Commission hereby issues a:

CERTIFICATE OF APPROPRIATENESS

for the work described below.

Applicant or Owner: 531 Mass Ave., LLC

Telephone: 978-264-0160

Address: 543 Massachusetts Avenue,
Acton, Massachusetts 01720

E-Mail: jmrosenfeld@omr-architects.com
mathias@newhabitatpartners.com

Location of Work: 525-541 Massachusetts Avenue,
Acton, Massachusetts 01720

District: Center - West- X South-

Description of Proposed Work:

Conceptual plans and design for 525 - 541 Massachusetts Avenue, Acton, Massachusetts.

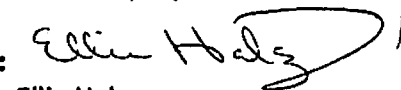
Conditions, Requirements, Recommendations:
SEE ATTACHED.

The work outlined above must conform in all particulars to the submittals and conditions approved on June 15, 2009. The applicant may proceed with the proposed work provided all other approvals have been obtained, including a Site Plan Special Permit, as well as a Building Permit(s) or Sign License where required. This Certificate is valid for work commenced within one year of the date of issuance. An extension of the Certificate will be granted at the discretion of the Commission. If a property changes ownership during the time the Certificate is in force, a new owner who wishes to continue the authorized work must apply to have a new Certificate issued in his or her own name.

Application or request received: 4/28/09

Date of Public Hearing: 6/01/09 and
Cont. on 6/15/09

Certificate approved by:



Ellie Halsey
for the Historic District Commission

Date: 6/26/09

Copies to: Building Commissioner, HDC File, Planning Board, Town Clerk, Town Manager/BOS

**TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720**

Conditions, requirements, recommendations for approval of the Application for Certificate of Appropriateness (#0906).

Finding:

1. The adaptive reuse of the buildings along Mass. Ave. is a creative and holistic approach to retaining our Village feel yet incorporating the retail spaces necessary for revitalization and development of the West Acton Village.
2. The overall design concept and massing presented needs some interpretation of the zoning bylaw and the Village Plan as it relates to this design in accordance with Chapter P 8.1 and 8.2.
3. Overall massing, disposition of the openings and facades of 535-537 Mass Ave is acceptable. Items for further review include the details of the handicapped ramp and the link.
4. Overall massing, disposition and facades of 525-531 Mass Ave. reflects the desired hierarchy of public and private spaces. More details of the doors, planters, gables, porches, and the link are to be determined and reviewed.
5. The eastern façade will be very visible from Mass Ave. without tree screening; with the planned screening, about half of the building will be visible. The ramp, while required, will be reviewed with other railing details.

Conditions:

1. Window on the west side of the 535-537 Massachusetts Ave. attic level shall match existing 2 over 2 windows as in plan of June 1, 2009 (exhibit A).
2. The links between the 525-531 Mass Ave and between the portions of 535-537 Mass. Ave. will be reviewed.
3. Hand rail system on the walkways and staircases to be reviewed.
4. All the materials and specific details of trim, siding, windows, and doors, etc. will be reviewed.

**TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720**

CERTIFICATE

Pursuant to Chapter 40C of the General laws of Massachusetts and the Historic Districts Bylaws of the Town of Acton, the Acton Historic District Commission hereby issues a:

CERTIFICATE OF NON-APPLICABILITY

for the work described below.

Applicant or Owner: 531 Mass Ave., LLC

Telephone: 978-264-0160

Address: 543 Massachusetts Avenue,
Acton, Massachusetts 01720

E-Mail: jmrosenfeld@omr-architects.com
mathias@newhabitatpartners.com

Location of Work: 537-531 Massachusetts Avenue,
Acton, Massachusetts 01720

District: Center - West- X South-

Description of Proposed Work:

Construct surface parking behind the structures located at 537-531 Mass. Ave., Acton, MA. The surface parking is set below grade, and will be screened by buildings and vegetation. This parking lot is not visible from the HDC's review jurisdiction limitation in Section 6.1 of the Chapter 40C Bylaw and will minimally impact views from the public way (Mass. Ave.).

Conditions, Requirements, Recommendations:

NONE

The work outlined above must conform in all particulars to the submittals and conditions approved on June 15, 2009. The applicant may proceed with the proposed work provided all other approvals have been obtained, including a Site Plan Special Permit, as well as a Building Permit(s) or Sign License where required. This Certificate is valid for work commenced within one year of the date of issuance. An extension of the Certificate will be granted at the discretion of the Commission. If a property changes ownership during the time the Certificate is in force, a new owner who wishes to continue the authorized work must apply to have a new Certificate issued in his or her own name.

Application or request received: 4/28/09

Date of Public Hearing: 6/01/09 and
Cont. on 6/15/09

Certificate approved by:


Ellie Halsey

for the Historic District Commission

Date: 6/26/09

Copies to: Building Commissioner, HDC File, Planning Board, Town Clerk, Town Manager/BOS

**TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720**

CERTIFICATE

Pursuant to Chapter 40C of the General laws of Massachusetts and the Historic Districts Bylaws of the Town of Acton, the Acton Historic District Commission hereby issues a:

CERTIFICATE OF APPROPRIATENESS

for the work described below.

Applicant or Owner: 531 Mass Ave., LLC

Telephone: 978-264-0160

Address: 543 Massachusetts Avenue,
Acton, Massachusetts 01720

E-Mail: jmrosenfeld@omr-architects.com
mathias@newhabitatpartners.com

Location of Work: 531-537 Massachusetts Avenue,
Acton, Massachusetts 01720

District: Center - West- X South-

Description of Proposed Work:

Removal of 1960's garage addition to the White Barn at 531 Mass. Avenue.

Findings, Conditions, Requirements, Recommendations:


Finding - Removal of garage is a noncontributing factor to the District.

Condition - Once garage is removed, White Barn must be made weather tight to prevent further deterioration.

The work outlined above must conform in all particulars to the submittals and conditions approved on June 15 2009. The applicant may proceed with the proposed work provided all other approvals have been obtained, including a Site Plan Special Permit, as well as a Building Permit(s) or Sign License where required. This Certificate is valid for work commenced within one year of the date of issuance. An extension of the Certificate will be granted at the discretion of the Commission. If a property changes ownership during the time the Certificate is in force, a new owner who wishes to continue the authorized work must apply to have a new Certificate issued in his or her own name.

Application or request received: 4/28/09

Date of Public Hearing: 6/01/09 and
Cont. on 6/15/09

Certificate approved by: 
Ellie Halsey
for the Historic District Commission

Date: 6/26/09

Copies to: Building Commissioner, HDC File, Planning Board, Town Clerk, Town Manager/BOS

**TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720**

CERTIFICATE

Pursuant to Chapter 40C of the General laws of Massachusetts and the Historic Districts Bylaws of the Town of Acton, the Acton Historic District Commission hereby issues a:

CERTIFICATE OF APPROPRIATENESS

for the work described below.

Applicant or Owner: Michael Rosenfeld

Telephone: 978-264-0160

Address: 543 Massachusetts Avenue,
Acton, Massachusetts 01720

E-Mail: jmrosenfeld@omr-architects.com
mathias@newhabitatpartners.com

Location of Work: 5 Spruce Street
Acton, Massachusetts 01720

District: Center - West- X South-

Description of Proposed Work:

Move the Red Barn currently attached to the rear of the Yellow House at 537 Mass. Ave., and relocate and connect it to the existing Woodshop space located at 5 Spruce Street.

Findings, Conditions, Requirements, Recommendations:

Finding - the move of the Red Barn improves it, and allows it to remain a part of the Village District.

The work outlined above must conform in all particulars to the submittals and conditions approved on June 15, 2009. The applicant may proceed with the proposed work provided all other approvals have been obtained, including a Site Plan Special Permit, as well as a Building Permit(s) or Sign License where required. This Certificate is valid for work commenced within one year of the date of issuance. An extension of the Certificate will be granted at the discretion of the Commission. If a property changes ownership during the time the Certificate is in force, a new owner who wishes to continue the authorized work must apply to have a new Certificate issued in his or her own name.

Application or request received: 4/28/09

Date of Public Hearing: 6/01/09 and
Cont. on 6/15/09

Certificate approved by:


Ellie Halsey

Date: 6/26/09

for the Historic District Commission

Copies to: Building Commissioner, HDC File, Planning Board, Town Clerk, Town Manager/BOS

Roland Bartl

From: The Abe's [abe125@verizon.net]
Sent: Sunday, February 28, 2010 9:15 AM
To: Roland Bartl
Cc: Sidewalk Committee
Subject: Re: WAVE project - 2/26/10 PLAN REVISIONS

Dear Roland:

The Sidewalk Committee has no comments on the revised 2/26/10 plans and documents, except, thank you very much for making the changes we suggested, (page 6, points 1 and 2 of the Revisions document).

-The Acton Sidewalk Committee

On Feb 26, 2010, at 6:00 PM, Roland Bartl wrote:

Ladies and Gentlemen:

As discussed at the review meeting of the WAVE project on February 18 in the Memorial Library, please find in this link to docushare the revised plans and documents for the WAVE project:

<http://doc.acton-ma.gov/dsweb/View/Collection-3091>

Go into the folder titled "WAVE - 02-26-2010 REVISIONS".

Please review the documents and submit your final comments to me no later than Thursday, March 4th for inclusion in the Board of Selectmen's hearing package. E-mail comments are fine.

Also, as discussed at the 2/18 review meeting, only your comments on these revised plans will be submitted. Please do not include your comments on the previous plans and documents. Please indicate in your memo the new date of the documents that your comments are based upon, i.e. 02/26/10. This will be a tremendous help for me later on.

If you had comments before, and the revised plans address all the comments, then please send me a brief memo stating that you have no comments on the revised 02/26/10 plans and documents.

If your comments do not change from the previous review, I would appreciate if you could send me a brief memo stating so. I will then include your original comments in the Selectmen's hearing package.

If you have not commented on the previous plans and documents, this is your chance to still do so.

3/1/2010

Roland Bartl

From: Robert Craig
Sent: Friday, February 26, 2010 11:14 AM
To: Roland Bartl; Scott Mutch
Subject: WAVE Project

Good morning,

Just to keep you up to speed, spoke with George at Stamski and McNary, told him that to accommodate ambulances height of the parking garage opening would have to be approximately 10.5 feet; also said hydrant at corner of Spruce St. and Mass. Ave is OK , no additional rear hydrant needed; hydrant on Mass. Ave near the East entrance needs to be moved closer to the driveway opening.

Robert C. Craig
Fire Chief
Acton Fire Department
978-264-9645
978-266-2885(FAX)

2/26/2010

February 28, 2010

Dear Members of the Acton Board of Selectmen,

A group of 15 or so residents of West Acton Village and beyond met the afternoon of 27 February to discuss the imminent hearing on the W.A.V.E. project. As you are well aware, this development has been under discussion for several years now and will be having its site plan special permit and use special permit hearing Monday, March 8th.

In an effort to be as constructive as possible, and not seeking to unduly burden or lengthen the process, the attendees all agreed the following issues should be addressed as part of the permitting process or as contingent to the permit application:

- Assure Net Zero Run-off; (Residents would like assurances that Fort Pond Brook which abuts the new construction and flows through the at-risk Spencer-Tuttle area will not be adversely impacted);
- Maximize Trees; this includes existing trees in back and front and the use of garden/trees to mask the wide Eastern Elevation that will be prominent for all drivers + walkers as they head up rte 111;
- Decrease Broad Expanses of Glazing; favor fenestration in keeping with unique historic character of village making the details in keeping with the neighborhood's better historic buildings;
- Adjust Articulation of Massing to support the 'quirkiness' of historic structures; in other words, make this 50,000 gsf structure less of a massive block; this may take a bit of work but we believe it will be worth it;
- Finally, determine appropriate steps to allow use of project's existing new parking lot as soon as possible to ease area parking crunch.

Thank you for your attention. We all care deeply about West Acton. It's a special place and we're hoping for its resurgent future.

Sincerely,

Ron Beck
Pamela Cochrane
Rosalie DeQuattro
Bob Ingram
Celia Kent
Clare Siska
Ann Sussman

Cc by email:

Steve Ledoux, Acton Town Manager
Roland Bartl, Director Acton Planning Department
Michael Rosenfeld, The Office of Michael Rosenfeld, Inc
Mathias Rosenfeld, New Habitat Partners, LLC

Dear Members of the Board of Selectmen:

I am writing regarding the proposed development on Massachusetts Avenue, which has been termed 'WAVE'. I am an abutter to the development—I live across the street at 520 Massachusetts Avenue. I have serious concerns about the scope of the development, the developer's ability to complete the project, and the impact on my own home environment.

I met Mathias Rosenfeld this week—I had called the town hall to complain that I had not received the requisite registered letter regarding the Board of Selectman meeting, and someone notified the firm. He came to my home one evening and asked me to review the plans in person, and I did so the following week. He told me that this project was important to him because this was his "home;" it is, in fact, not his home. He does not live here, raise his children here, or experience the impact of his proposed development on an everyday basis. While I acknowledge his sentiment, he is profiting from this development—it isn't merely a labor of love, and I ask that that should be remembered when plans are submitted which are touted as serving the best interests of West Acton. I am unclear why a private organization, even one as reputable as this one, should claim that they hope to "plan" the future of West Acton. Surely the residents and the town administrators should hold the reins.

I am certainly not disinterested. The proposed development will affect me directly in a number of ways: if the project does, indeed, "revitalize" West Acton, then my family will face increased traffic congestion, light and noise pollution, increased foot traffic in front of my property, and an intangible but powerful loss, the loss of my current view of marshlands, marshlands which the developer was proud to say would be visible to his tenants. What his tenants gain, I will lose, replaced by a parking lot. We all know the song well enough to understand the implications here: is there anyone in town in support of this project who would be willing to see a parking lot constructed across from his or her home, especially a parking lot which would replace a marshland view, now reserved for the developer's tenants?

That is the scenario if the project succeeds in attracting businesses. If it is built and does not attract or retain tenants, the picture becomes worse: the parking lot would be augmented by half-finished construction. As far as I know, no one has mentioned asking the developers to hedge their promise that the development will be aesthetic by placing a sum in escrow to guarantee the addition of the trees and shrubs drawn on the plot plans. Such an action would acknowledge the precarious nature of development and the potential negative impact on our community.

I have a host other concerns, from the dangers of more cars turning left out of Spruce Street onto Massachusetts Avenue, as well as directly out of the new parking lot across from my home, the absence of a light for the crosswalk which is planned to connect the playground with the development, the "convention space" of 175 removable seats which is now integral to the tenant plan rather than being tied to town activities, etc.

Since the firm continually states that it does not plan to build the development now, I would support slowing the process down so that issues can be addressed more effectively and more openly.

Thank you,

Lynn Parker

Roland Bartl

From: frannyola@aol.com
Sent: Tuesday, February 16, 2010 12:38 PM
To: Bengt Mutén; Roland Bartl
Subject: Re: WAVE project review

I believe we also wanted to thank the WAVE project for a couple of things, so, to summarize, TAC had two concerns and two supportive comments:

- 1) Perpendicular parking on South Side of Massachusetts; even with the traffic slowing having cars back out onto route 111 does seem dangerous, and we would like alternatives to be considered.
- 2) Sudden peaks of exiting traffic after movies end. This is presumably inevitable, but are the possible ways of alleviating?
- 3) TAC appreciates earlier expressed support of local public transportation efforts, offering possible shuttle bus parking and/or bus stop, and suggesting small offices as possible location for future transportation coordinator.
- 4) TAC appreciates improvements to presently tight parking lot between Sweet Bites/Acton School of Ballet, and OMR.

-----Original Message-----

From: Bengt Mutén <bengt@muten.com>
To: Roland Bartl <rbartl@acton-ma.gov>
Cc: Franny Osman <frannyola@aol.com>
Sent: Tue, Feb 16, 2010 12:11 pm
Subject: Re: WAVE project review

Roland,

Sorry about the delay. TAC had two concerns:

- 1) Perpendicular parking on South Side of Massachusetts; even with the traffic slowing having cars back out onto route 111 does seem dangerous, and we would like alternatives to be considered.
- 2) Sudden peaks of exiting traffic after movies end. This is presumably inevitable, but are the possible ways of alleviating?

Bengt Mutén

From: Roland Bartl <rbartl@acton-ma.gov>
Date: Tue, 16 Feb 2010 10:48:50 -0500
To: Franny Osman <frannyola@aol.com>; Cheryl Frazier <cfrazier@acton-ma.gov>; Transportation Advisory Committee <TAC@acton-ma.gov>
Cc: Cheryl Frazier <cfrazier@acton-ma.gov>
Subject: RE: WAVE project review

Thanks -

I have a status review session with the applicant on Thursday. It would be really helpful to have TAC comments by then.

Thank you

Roland Bartl, AICP
Planning Director
472 Main Street
Acton, MA 01720
(978) 264-9636

2/16/2010

Roland Bartl

From: Dean Charter
Sent: Thursday, February 11, 2010 11:51 AM
To: Roland Bartl
Subject: WAVE site plan review

Hi Roland,

I am given to understand that the landscape plan for this site was revised pursuant to a Conservation Commission meeting on October 28, 2009. I only was given the original plan. If the applicant wants to get me the revised plan, I can look at that.

My comments on the plan I was given:

1. All street trees along Massachusetts Avenue should be a minimum of 2.5 to 3 inch caliper at time of planting. These trees resist snow load on sidewalks better than the smaller ones specified.
2. The applicant should identify the four street trees along Massachusetts Avenue, at the Eastern End of the site. The notations on the plan do not seem to match the notations in the key.

For the most part, I find the plan submitted to be acceptable, other than the points raised above.

Regards,

Dean

2/11/2010



Water Supply District of Acton

693 MASSACHUSETTS AVENUE
P.O. BOX 953
ACTON, MASSACHUSETTS 01720

TELEPHONE (978) 263-9107

FAX (978) 264-0148

DATE: 2/10/2010

TO: Town of Acton Planning Department ATTN: Scott Mutch

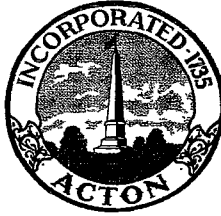
FROM: Chris Allen, District Manager

RE: Comments on West Acton Village Ecology (WAVE)

1. The owner, or owner's representative, must submit a "Water Impact Report" per Acton Water District (AWD) guidelines.
2. All water mains, services, appurtenances and installation of such must comply with AWD specifications. (Hard copy may be picked up at AWD main office)
3. AWD recommends installation of EPA Watersense fixtures to promote water conservation.
4. Installation of any irrigation systems that will be connected to the public water supply must meet AWD specifications.
5. To promote water conservation and minimize irrigation needs, AWD recommends usage of Low Impact Development (LID) gardens and drought tolerant plantings.
6. Due to system limitations, fire suppression may require internal pressure boosting system. Any fire flow testing for sprinkler system design will be performed in the month of April during spring water main flushing.
7. A proposed "As-Built" plan of the water infrastructure must be submitted, reviewed and approved by AWD prior to any installation of said infrastructure.
8. A final "As-Built" plan displaying exact locations of all water infrastructure will be submitted by the contractor/developer prior to filling of any water mains for pressure test or disinfection per AWD specifications.

Respectfully submitted

Chris Allen
District Manager



The Design Review Board Memorandum

Project: West Acton Village Ecology
Mass Ave, West Acton

Schematic Architectural Plans by: Office of Michael Rosenfeld

Applicant: Rosenfeld

Date of Review: 2/03/10

The Design Review Board (DRB) reviewed this project without the proponent present.

The DRB comments:

- The DRB would recommend removing the three gable dormers on the long bar roof in the front elevation. Keep the roofline what it is: simple and straight. This will be easier and cheaper to build. It is also in keeping with the language of the historic architecture – and by remaining a background element shows deference to historic components.
- The schematic set provided is the most extensive we've seen to date in Acton.

Respectfully Submitted:

The Design Review Board
Town of Acton

Cheryl Frazier

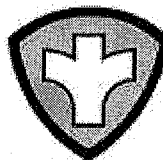
From: Kim DelNigro
Sent: Friday, January 29, 2010 9:37 AM
To: Cheryl Frazier
Subject: FW: WAVE UPATE

From: Justin Snair
Sent: Monday, January 25, 2010 8:35 AM
To: Scott Mutch; Cheryl Frazier; Kim DelNigro
Cc: Doug Halley
Subject: WAVE UPATE

Just to clarify- The Health Dept. is waiting on the submittal of stamped plans in order to issue the disposal works construction permit for WAVE. The variance requests for reduction in setback to wetlands and reduction in setback to retention areas have been approved by the BOH.



Justin T. Snair
Environmental Health Agent
Health Department
Town of Acton
P: 978-264-9634
F: 978-264-9630



Public Health
Prevent. Promote. Protect.

Roland Bartl

From: Paulina Knibbe [p.knibbe@comcast.net]
Sent: Monday, February 15, 2010 11:36 AM
To: Roland Bartl
Subject: [Fwd: WAVE stormwater concerns]
Attachments: waveconscom1.jpg; waveconscom3.jpg; StormceptorMaintenance_imbrium.pdf; imperv surfaces.jpg; Stormwater comments regarding WAVE project - ron beck.doc

Hi, Roland. I'm not sure if you saw this email but I thought I would forward it just in case.

Paulina

----- Original Message -----

Subject: WAVE stormwater concerns

Resent-From: <bos@acton-ma.gov>

Date: Sat, 13 Feb 2010 15:46:45 -0500

From: Ron Beck <squashtalk@verizon.net>

To: <bos@acton-ma.gov>

CC: 'Water Resources Advisory Committee' <wrac@acton-ma.gov>, <msmichelman@comcast.net>, <concom@acton-ma.gov>, 'Doug Halley' <dhalley@acton-ma.gov>

[word version of this comment also attached]

Dear Board of Selectmen,

With regard to ongoing review of the WAVE proposed West Acton project, adjoining the Fort Pont Brook, I am obliged to bring to your attention several ongoing questions regarding creation of incremental storm water runoff through that project and handling of such storm water runoff. I believe this is an interesting project, but rushing it through the process without addressing these types of questions thoroughly may not be in the best interests of the town. More time will almost certainly be required to direct the applicant to develop an alternative storm water MITIGATION strategy.

1) The question of total amount of impervious surface created by the project is a factor that everyone should focus on. Research generally accepted by the EPA and DEP governing storm water runoff impact draws a direct relationship between total impervious surface in a watershed and surface water quality. (see attached slide from the public information session hosted by WRAC last fall). The quality of Fort Pont Brook will vary in relationship to increase in impervious surface area in Acton caused by development.

I do not believe that the public is being given consistent information on the topic of incremental impervious surfaces from this project, which leads me to recommend that the Board of Selectmen take a close second look at this issue.

According to approved ConsCom minutes, during the Oct 7th ConsCom hearing, the owner's engineering representative stated the following (see attachment waveconscom1.jpg):

Upon query by Ms. Lee, Mr. Dimakarakos reported that the closest point of grading activities will be 25' from the edge of wetlands.

Upon query by Ms. Adachi, Mr. Rosenfeld stated that the principal owners of the proposed project will be responsible for the management and maintenance of the drainage system.

Upon query by the Commission, Mr. Dimakarakos stated that the amount of impervious surface would increase by about twenty-five percent (25%), but that the treatment of stormwater also would improve.

Upon query by Mr. Maitland, Mr. Dimakarakos reported that the Acton Engineering Department will be reviewing the site plan; if amendments are deemed necessary, then the Applicant will come back to the Commission for appropriate amendments.

Upon query by Mr. Maitland, Mr. Rosenfeld reported that he has met with Acton Citizens for Environmental Safety (ACES), but he has not had any feedback from this group.

At the request of Ms. Friedrichs, Mr. Maitland requested that the Applicant continue the hearing in order for additional information and/or questions to be submitted to the Commission pertaining to stormwater management.

Upon query by Mr. Tidman, Mr. Rosenfeld reported that he has met with abutters to the site, they were notified prior to the recently finished construction activities and also received the required notice of this public hearing.

Upon query by Mr. Tidman, Mr. Dimakarakos stated that the Applicant has met with the Fire Chief prior to this hearing and it is his understanding that an additional emergency access entrance will not be required.

Adachi stated that the proposed project before the Commission is considered redevelopment of an existing disturbed area and proposes improvements to existing conditions. Mr. Froberg added that the proposed work is within the Commission's jurisdictional area so Commission review is necessary but the work need not be prohibited.

Upon query by Mr. Froberg, Mr. Dimakarakos reported that there is very little increase of impervious surfaces from current conditions.

Upon query by Ms. Adachi, Mr. Dimakarakos reported that 525 Mass. Ave. currently has no stormwater treatment but will with this proposal.

9:25 Hearing no further comments or questions, Ms. Adachi closed the hearing.

Decision - 525-541 Mass Ave / 3-7 Spruce St. - WAVE - 85-1028

Ms. Portante moved that the Commission issue an Order of Conditions with the following special condition: the Applicant shall submit an annual (stormwater treatment/drainage system) maintenance report to the Commission, in a format acceptable to the Commission, until the Commission determines and notifies the Applicant that the annual report is no longer required.

Ms. Lee 2nd, the motion passed unanimously.

9:30 Meeting adjourned.


Terrence Maitland
Chair

ahr:concom.minutes.2009.102109

Conservation Commission Minutes, October 21, 2009

Page 5

The apparent complete contradiction of these two statements made in public hearing need to be explained before the Board of Selectmen can make an informed decision on what amounts of increased storm water runoff volume is acceptable.

I would like to point out that the wetlands adjoining several downstream residential areas, where groundwater levels are of ongoing concern, are connected to Fort Pond Brook and increases in storm water runoff to Fort Pond Brook need to be considered in the context of quality and levels of water for residents downstream from the development, among others.

2) Maintenance of proposed storm water handling, retention and treatment systems. The project proposes installation of systems which require ongoing maintenance and inspection in order to function as designed. The Conservation Commission has required, in their order of conditions related to this project, an "annual maintenance report." I do not believe an annual report is really sufficient to cover what the Town of Acton needs. What the citizens need to protect the town's water resources are;

- Required maintenance of the proposed Stormceptor system, rain garden, and bio retention basin. Specifically, I attach the recommended maintenance requirements for a Stormceptor system, which include at least twice-yearly inspection and once yearly pumping. This should be required. The purpose of the installations proposed by the owner for storm water management are a) reduction in total suspended solids and b) reduction in pollutants such as hydrocarbons from the parking lot. The BOS should either require the owner to sample the outfall locals (at a minimum 4 high-water samples and 2 low-water samples per outfall location per year), for the thirteen parameters EPA recommends storm water be monitored for, or should require them to fund the Health Department to collect and report on those samples. The other systems (rain garden and bio retention basin) should be required to be kept in good working condition and inspected once yearly. All of the above should then be contained in the annual maintenance report specified by the ConsCom.
- The owner should be directed to obtain an annual storm water permit, as per the new storm water bylaw section "U", conditional on that bylaw passing at Town Meeting.

3) Reduction in storm water volume versus treatment. The drainage and storm water plans focus their attention on reduction of total suspended solids (TSS). This is an important component of storm water relative to stream siltation. However the total amount of storm water runoff is also a critical factor. The applicant should be strongly encouraged to offer alternatives which reduce total storm water runoff. The plan does include a so-called "bio retention area" and a small rain garden. The parking plan does not, however, include the types of non-paved islands which are currently preferred by the town. The applicant should really revisit the entire question of impervious surfaces in their proposed development, in light of their proximity to a waterway that passes through the entire town.

I recommend that the applicant be asked to go back and re-design their paved areas in that light. The Concom had previously approved paving within the wetland impact zone, however that was not done in the context of the entire project, and Conscom's authority is generally fairly narrowly defined and does not, for instance, look at storm water volume impact on downstream areas.

4) Mass DEP and US EPA storm water requirements. The application states a number of times that they are providing a system "overdesigned" for existing Mass DEP storm water rules. I would like to point out that the Acton storm water systems are under US EPA storm water jurisdiction directly. While Mass DEP do have their own storm water rules, US EPA has not accepted Mass DEP as a permitting authority for the NPDES storm water permit program, and Acton receives its permits directly from the US EPA. Acton is due to receive a new NPDES MS4 Stormwater permit within the next year, which can be expected to be more stringent than the prior permit, and certain requirements may be triggered by increases in impervious surfaces. Any new developments allowed should take that into account.

Best Regards,

Ron Beck
80 Esterbrook Road, Acton MA

Ron Beck
email: squashtalk@verizon.net
twitter: [squashtalkron](#)
web: www.squashtalk.com

2/16/2010